

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER
THE McPHERSON BUILDING

901 FIFTEENTH STREET, N.W., SUITE 1100
WASHINGTON, D.C. 20005-2327

425 PARK AVENUE
NEW YORK, NY 10022-3598
(212) 836-8000

1999 AVENUE OF THE STARS
SUITE 1600
LOS ANGELES, CA 90067-6048
(310) 788-1000

SQUARE DE MEEÛS 30
1040 BRUSSELS, BELGIUM
(322) 514-4300

(202) 682-3500

FACSIMILE
(202) 682-3580

18TH FLOOR
NINE QUEEN'S ROAD CENTRAL
HONG KONG
(852) 845-8989

SCITE TOWER, SUITE 708
22 JIANGUOMENWAI DAJIE
BEIJING
PEOPLE'S REPUBLIC OF CHINA
(861) 512-4755

FACSIMILE
NEW YORK (212) 836-8689
WASHINGTON (202) 682-3580
LOS ANGELES (310) 788-1200
BRUSSELS (322) 514-4437
HONG KONG (852) 845-3682
BEIJING (852) 845-2389
(861) 512-4760

RECEIVED

JUL 26 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WRITER'S DIRECT DIAL NUMBER

(202) 682-3526

July 26, 1993

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: MM Docket No. 93-178
Howard B. Dolgoff
(File No. BPH-911223ME)

Dear Mr. Caton:

Submitted herewith for filing, on behalf of our client, Howard B. Dolgoff, an applicant in the above-referenced comparative hearing proceeding (MM Docket No. 93-178), are an original and six (6) copies of his Integration and Diversification Statement Of Howard B. Dolgoff in the proceeding. Kindly refer this submission to Administrative Law Judge John M. Frysiak.

Please direct any inquiries concerning this submission to the undersigned.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &
HANDLER

By: 
Irving Gastfreund

Enclosures

BEFORE THE

DOCKET FILE COPY ORIGINAL

Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of

HOWARD B. DOLGOFF and

MARK AND RENEE CARTER

For a Construction Permit For a
New FM Radio Station on Channel
292A in Miramar Beach, Florida

) MM Docket No. 93-178

) File No. BPH-911223ME

) File No. BPH-911224MD

RECEIVED

JUL 26 1993

TO: Administrative Law Judge John M. Frysia

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

INTEGRATION AND DIVERSIFICATION STATEMENT OF
HOWARD B. DOLGOFF

HOWARD B. DOLGOFF ("DolgoFF"), by his attorneys, pursuant to Section 1.325(c)(2) of the Commission's Rules, and pursuant to Paragraph 2 of the Presiding Judge's Order Prior To Prehearing Conference, ___ FCC Rcd ___, FCC 93M-450 (ALJ released July 9, 1993), hereby submits his annexed Integration And Diversification Statement.

Respectfully submitted,

HOWARD B. DOLGOFF

By: 

Irving Gastfreund

Kaye, Scholer, Fierman, Hays &
Handler

The McPherson Building
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005

His Attorneys

July 26, 1993

INTEGRATION AND DIVERSIFICATION STATEMENT
OF HOWARD B. DOLGOFF

Howard B. Dolgoff ("Dolgoff") hereby submits his

~~Integration and Diversification Statement~~

personnel. Sales, programming, engineering, public affairs and news department heads (to the extent that they are hired by Mr. Dolgoff) are to report directly to Mr. Dolgoff, who will have supervisory responsibility for all such aspects of station operations. As General Manager of the proposed station, Mr. Dolgoff will be responsible for coordinating the efforts of the department heads to ensure that the station operates efficiently and is responsive to community programming needs and interests. In his capacity as General Manager of the proposed station, Mr. Dolgoff will also have ultimate supervisory responsibility for all the station's personnel. In addition, as General Manager, Mr. Dolgoff will be responsible for administration and implementation of the station's Equal Employment Opportunity Program. In addition, as General Manager, Mr. Dolgoff will function as the station's primary representative and liaison to local community organizations and leaders, to the Miramar Beach community and to the proposed station's service area at large.

Mr. Dolgoff's commitment to full-time daily employment at his proposed new FM station, as described above, is absolute and without reservation and would take precedence over any other conflicting time requirements were any to arise. In this regard, Mr. Dolgoff presently is the President, Vice President, Treasurer, a Director, and the 100 percent stockholder of Dolcom, Inc., licensee of Radio Station WUMX(FM) (formerly WTHZ(FM)), Tallahassee, Florida. Mr. Dolgoff also presently serves as

General Manager of WUMX(FM). In the event of a grant of Mr. Dolgoff's instant application for a construction permit for a new FM station in Miramar Beach, Florida, Mr. Dolgoff intends to divest of his ownership interest in Dolcom, Inc., and to resign from all of his positions as an officer and director of Dolcom, Inc., and to resign from his position as General Manager of WUMX(FM) as well. Furthermore, in the event that Mr. Dolcom's instant application for a construction permit for a new FM radio station in Miramar Beach, Florida, is granted, Mr. Dolgoff's wife, Michelle Dolgoff, will also resign her present position as Secretary of Dolcom, Inc., as well as any other positions she may have with Dolcom, Inc., or with WUMX(FM). Moreover, in the event of grant of Mr. Dolgoff's Miramar Beach FM application, Mr. Dolgoff proposes to relocate his permanent address to Miramar Beach, Florida, in order to devote full-time service to the operation of his proposed station.

In light of all the foregoing, if Mr. Dolgoff's application for a construction for a new FM radio station in Miramar Beach, Florida, is granted, he intends to withdraw fully from all employment or business pursuits which require his time and attention, except for his employment as General Manager at his proposed Miramar Beach station. Consequently, there will be no conflict between Mr. Dolgoff's commitment to act as the full-time General Manager of his proposed Miramar Beach, Florida, FM station and his current employment and business interests.

Other than his interests in Dolcom, Inc., and in Radio Station WUMX(FM), Tallahassee, Florida, as described above, and except for his interest in his instant Miramar Beach, Florida, FM application, Mr. Dolgoff has no other interests in any medium of mass communications.

Mr. Dolgoff is a Caucasian male; consequently, Mr. Dolgoff will not claim credit for minority or female ownership.¹

Mr. Dolgoff will claim credit for past and present part-time residence in the community of Destin, Florida (a community which is contiguous to Miramar Beach, Florida) from November 1989 to the present; and his proposed future residence (full-time) in Miramar Beach, Florida, if his application is granted. In this connection, Mr. Dolgoff has resided at 5394 East Highway 98, Apartment 164, Destin, Florida 32541, on a part-time basis (on average approximately 5 - 10 days per month) from November 01989 to and including the present. As noted above, Mr. Dolgoff intends to move to Miramar Beach, Florida, if his application is granted. Mr. Dolgoff's main residence at present is at 3186 Ferns Glen Drive, Tallahassee, Florida 32308 - 2304.

¹ In any event, the Commission's former female preference in comparative hearings has been held to violate the equal protection clause of the Constitution and is therefore no longer applicable to comparative hearing cases. See Lamprecht v. FCC, 958 F.2d 382 (D.C. Cir. 1992).

Mr. Dolgoff will also claim qualitative enhancement credit for his integration proposal for his previous broadcast experience. His previous broadcast experience has included the following:

1. August 1976 - September 1977: Financial Analyst, Westinghouse Broadcasting Co. (Group W), Headquarters Offices, New York, New York. Westinghouse Broadcasting Co. owns or controls a number of radio and television stations throughout the United States. In his capacity as a Financial Analyst with Westinghouse Broadcasting Co., Mr. Dolgoff was responsible for consolidating the accounting operations of Westinghouse Broadcasting Co. and reporting to its parent company, Westinghouse Electric Co. The primary areas of Mr. Dolgoff's responsibilities included preparation of cash reports, capital expenditure reports, expense analysis and monthly financial closings.
2. October 1977 - January 1980: Assistant Controller, Radio Station KFWB(AM), Los Angeles, California (Westinghouse Broadcasting Co.) Mr. Dolgoff had overall responsibility for the entire financial operation of Radio Station KFWB(AM), Los Angeles, California, including responsibility for managing two employees, supervising monthly accounting closings, and reporting to corporate headquarters of Westinghouse Broadcasting Co. Mr. Dolgoff was also involved in employee relations matters, including payroll, labor union contract interpretation, sales and expense analysis and reporting, and capital expenditure analysis reporting.
3. February 1980 - February 1983: Account Executive, Radio Station KJOY(FM), San Diego, California (Westinghouse Broadcasting Co.) Mr. Dolgoff served as a local sales Account Executive for Radio Station KJOY(FM) and sold both retail and advertising agency accounts.
4. March 1983 - April 1984: National Account Executive, Group W Radio Sales (Westinghouse Broadcasting Co.), New York, New York. Mr. Dolgoff's duties included serving as a national sales representative for the radio stations controlled by Westinghouse Broadcasting

Co. Mr. Dolgoff's account list included the largest and most prestigious of New York advertising agencies.

5. May 1984 - December 1985: General Sales Manager, Radio Stations WCMQ(AM), Miami Springs, Florida, and WCMQ-FM, Hialeah, Florida. In his capacity as General Sales Manager at WCMQ(AM) and WCMQ-FM (both of which operate in the Miami, Florida, radio market), Mr. Dolgoff was responsible for all local and national sales at the two stations. Mr. Dolgoff supervised the local sales staff at the stations, consisting of nine account executives; in addition, Mr. Dolgoff acted as station liaison for all national sales. Mr. Dolgoff was involved in strategic planning for programming and marketing on behalf of WCMQ(AM) and WCMQ-FM.
6. January 1986 - Present: General Manager, Radio Station WUMX(FM) (formerly WTHZ(FM)), Tallahassee, Florida. In his capacity as General Manager of Radio Station WUMX(FM) (formerly WTHZ(FM)), Mr. Dolgoff has had overall responsibility for all station operations, including sales, programming, marketing and financial matters. As General Manager of the station, Mr. Dolgoff has managed the station to become a significant radio force in the Tallahassee, Florida, radio market.
7. January 1986 - July 6, 1987: Vice President, Dolcom Broadcasting, Inc., licensee of Radio Station WTHZ(FM), Tallahassee, Florida (presently WUMX(FM)).
8. July 7, 1987 - August 22, 1989: Vice President and Director, Dolcom Broadcasting, Inc., licensee of Radio Station WTHZ(FM) (presently WUMX(FM)), Tallahassee, Florida.
9. August 23, 1989 - April 30, 1991: Vice President, Director and 40 percent stockholder of Dolcom Broadcasting, Inc., licensee of Radio Station WTHZ(FM) (presently WUMX(FM)), Tallahassee, Florida.
10. May 1, 1991 - Present: President, Vice President, Treasurer, Director and 100 percent stockholder of Dolcom, Inc., licensee of Radio Station WUMX(FM), Tallahassee, Florida.

Mr. Dolgoff will not be claiming a "daytimer" preference in this proceeding.

Mr. Dolgoff will also claim comparative credit for providing and installing an auxiliary power generator, both at the proposed station's transmitter site and at the station's main studio location to permit continuity of service by the station in the event of a loss of commercially-supplied electric power either at the station's transmitter site or at the station's main studio location. Moreover, Mr. Dolgoff will also claim credit for any superior coverage of areas and/or populations which may become apparent once a comparative coverage by the station engineering

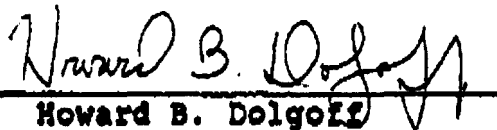
DECLARATION

I, Howard B. Dolgoff, do hereby declare, certify and state as follows:

1. I am an individual applicant for a construction permit for a new FM radio station in Miramar Beach, Florida (File No. BPH-911223NE).

2. I have read the foregoing Integration And Diversification Statement Of Howard B. Dolgoff. The statements contained therein are true and correct to the best of my knowledge, information and belief.

I hereby declare, certify and state, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.


Howard B. Dolgoff

Executed on this 26th day of July 1993

CERTIFICATE OF SERVICE

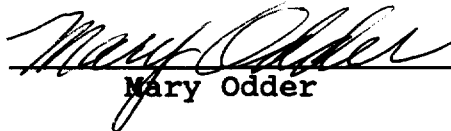
I, Mary Odder, a secretary with the law firm of Kaye, Scholer, Fierman, Hays & Handler, hereby certify that on this 26th day of July, 1993, have caused a copy of the foregoing Integration And Diversification Statement Of Howard B. Dolgoff to be hand-delivered or to be sent via first-class United States mail, postage prepaid, to the following:

Honorable John M. Frysiak*
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Room 223
Washington, D.C. 20554

Paulette Laden, Esq.*
Hearing Branch, Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 7212
Washington, D.C. 20554

Chief Counsel, AGC 230
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Frank J. Martin, Jr., Esq.
Elizabeth C. Buckingham, Esq.
Southerland, Asbill & Brennan
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2404
Counsel for Mark and Renee Carter


Mary Odder

*/ Via Hand-Delivery